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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/342,801	06/29/1999	KLEIN L. JOHNSON	H16-25073	7109

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EXAMINER

MOONEY, MICHAEL P

ART UNIT PAPER NUMBER

2877

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/342,801

Applicant(s)

JOHNSON, KLEIN L.

Examiner

Michael P. Mooney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 12-21, 24-31 are rejected under 35 U.S.C. 102b as being anticipated by Noddings et al. (5574814).

Noddings et al. teaches:

a window (fig. 2; col. 3 lines 60-61);

a chip fixed on a first side of said window (col. 4 lines 1-3); and

a first housing extending around said chip and fixed relative to said window (fig. 2).

Thus claim 1 is met.

Noddings et al. teaches said chip is hermetically sealed by said window and said first housing (figs. 1 & 2; col. 3, lines 54-60). Thus claim 2 is met.

Noddings et al. teaches each and every element of claim 3 at figs. 1 & 2; col. 3, lines 54-60. Thus claim 3 is met.

Noddings et al. teaches each and every element of claim 4 at the aforementioned figures and particularly at col. 5 lines 2-7. Thus claim 4 is met.

Noddings et al. teaches each and every element of claim 5 at the aforementioned figures and particularly at col. 4 lines 16-25. Thus claim 5 is met.

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Noddings et al. teaches each and every element of claim 6 at the aforementioned figures and particularly at col. 5 lines 2-7. Thus claim 6 is met.

Noddings et al. teaches each and every element of claims 7, 8 at the aforementioned figures. Thus claims 7, 8 are met.

The above reasons and references make clear that Noddings et al. teaches each and every element of claim 12. Thus claim 12 is met.

By the above reasons and references each and every element of claims 13-21, 24-31 are taught by Noddings et al. Thus claims 13-21, 24-31 are met.

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 9-11, 22-23, 32-57 rejected under 35 U.S.C. 103(a) as being unpatentable over Noddings et al. (5574814).

Noddings et al. teaches:

a window (fig. 2; col. 3 lines 60-61);

a chip fixed on a first side of said window (col. 4 lines 1-3); and

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a first housing extending around said chip and fixed relative to said window (fig. 2).

Noddings et al. teaches said chip is hermetically sealed by said window and said first housing (figs. 1 & 2; col. 3, lines 54-60). Thus claim 2 is met.

Noddings et al. teaches each and every element of claim 3 at figs. 1 & 2; col. 3, lines 54-60.

Noddings et al. teaches each and every element of claim 4 at the aforementioned figures and particularly at col. 5 lines 2-7. Noddings et al. teaches each and every element of claim 5 at the aforementioned figures and particularly at col. 4 lines 16-25.

Noddings et al. teaches each and every element of claim 6 at the aforementioned figures and particularly at col. 5 lines 2-7.

Noddings et al. teaches each and every element of claims 7, 8 at the aforementioned figures.

Noddings et al. does not expressly teach a lens formed on or in the window. This, however, would have been obvious to one of ordinary skill in the art at the time the invention was made because it is notoriously well known that it is an option to have a lens formed on or in the window in such applications for the purpose of obtaining additional beam directing capabilities.

Thus claim 9 is rejected.

Noddings et al. teaches ferrule is accepted by an opening in the second housing. (fig. 1). Thus claim 10 is rejected.

Noddings et al. teaches each and every element of claim 11 at col. 3 line to col. 4 line 1. Thus claim 11 is rejected.

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The above reasons and references make clear that Noddings et al. teaches each and every element of claim 12.

By the above reasons and references each and every element of claims 13-21 are taught by Noddings et al.

Noddings et al. does not expressly teach the window has at least one lens situated between the at least one photonic device and the at least one optical waveguide. This, however, would have been obvious to one of ordinary skill in the art at the time the invention was made because it is notoriously well known that it is an option for the window to have at least one lens situated between the at least one photonic device and the at least one optical waveguide in such applications for the purpose of obtaining additional beam directing capabilities.

Thus claim 22 is rejected.

Noddings et al. teaches the at least one optical waveguide is an optical fiber.(e.g., col. 3, lines 15-20). Thus claim 23 is rejected.

By the above reasons and references each and every element of claims 24-31 are taught by Noddings et al.

Noddings et al. teaches a ceramic at col.4 lines 50-55 and a sapphire window at, e.g., col. 4 line 1. Although Noddings does not expressly teach a quartz window, this would have been obvious because it is notoriously well known (NWK) that quartz and sapphire are alternately usable in such applications. Thus claim 32 is rejected.

Each and every element of claim 33 is taught by the above reasons and references, particularly at col. 5 lines 2-7, with the exception of expressly stating, "...to

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at least one pad on an external surface of said enclosure." This, however, would have been obvious to one of ordinary skill in the art at the time the invention was made because it is NWK for traces to perform such a function in such applications.

Thus claim 33 is rejected.

By the above reasons and references each and every element of claims 34, 55 are taught by Noddings et al.

Although Noddings et al. does not expressly teach the window has at least one feature on the surface of window for alignment, it would have been obvious to expressly state this because it is NWK for a window to have at least one feature on the surface of said window for alignment. Thus claim 35 is rejected.

By the above reasons and references each and every element of claims 36-37 are taught by Noddings et al. Thus claim 36-37 are rejected.

Although not expressly stated, each and every element of claim 38 would have been obvious because it is NWK to have conductive path connected on another end to another pad which is connected to the at least one conductive trace on the window. Thus claim 38 is rejected.

By the above reasons and references each and every element of claim 39, 42-43, 48-51 are taught by Noddings et al. Thus claims 39, 42-43, 48-51 are rejected.

Noddings et al. teaches such a use of a solder type material at col.5 lines 14-18. Thus claim 40 is rejected.

Furthermore, each and every element of claim 41 is rejected because it is NWK to use an adhesive-type material in such an application. Thus claim 41 is rejected.

Each and every element of claims 44-47 are rejected because it is NWK to use a refractive/diffractive optical element in such application(s). Thus claims 44-47 are rejected.

Each and every element of claim 52 is rejected by the above reasons and references and the fact that it is NWK to position a lense in such a manner in such applications. Thus claim 52 is rejected.

By the above reasons and references each and every element of claims 53-54 are taught by Noddings et al. Thus claim 53-54 are rejected.

By the above reasons and references and the fact that Noddings et al. teaches a ceramic at col.4 lines 50-55 each and every element of claim 56 is rendered obvious by Noddings et al. Thus claim 56 are rejected.

Noddings et al. teaches a sapphire window at, e.g., col. 4 line 1. Although Noddings does not expressly teach a quartz window, this would have been obvious because it is notoriously well known (NWK) that quartz and sapphire are alternately usable in such applications. Thus claim 57 is rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Mooney whose telephone number is 703-308-6125. The examiner can normally be reached during weekdays.

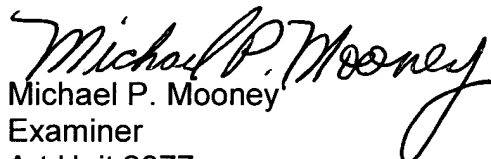
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 703-308-4881. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-308-7722
for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is 703-308-

0956. An alternative useful number for status inquiries is 703-306-3329.


Michael P. Mooney
Examiner
Art Unit 2877


Frank G. Font
Supervisory Patent Examiner
Art Unit 2877

FGF/mpm
2/10/03